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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,453	04/20/2004	Raymond R. Gosselin	58032US0010	3998
32692	7590	01/06/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			NORDMEYER, PATRICIA L	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/828,453

Applicant(s)

GOSSELIN, RAYMOND R.

Examiner

Patricia L. Nordmeyer

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/05 & 7/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (USPN 6,416,857).

Wright et al. disclose a tamper indicating device (Column 1, lines 9 – 10) used in combination with an object having secured information (Column 9, lines 7 – 18) comprising a backing having a first side and a second side (Column 3, lines 15 – 16), wherein the backing comprises a first phase and a second phase (Column 3, lines 17 – 19), wherein the backing has a first level of light diffusion, and when a peeling force is applied to the backing, the backing fractures (Column 3, lines 32 – 38) and has a second level of light diffusion that is a higher level of light diffusion than the first level of light diffusion (Column 2, lines 27 – 31); a flood coat applied to the second side of the backing (Column 4, lines 53 – 56), the flood coat defining a window therein (Figures 1 – 1B, #30A and 30B), an adhesive layer bonded to the flood coat (Column 5, lines 56 – 58) and a mask applied to the tamper indicating device (Column 4, line 66 to Column 5, line 17), the mask being in partial or whole registration with the window in the

Art Unit: 1772

flood coat (Figure 1, #40) as in claims 1, 3, 6, 7, 10, 14 16, 18, 21, 22 and 25. Regarding claims 2, 5, 9, 13, 14, 17, 20, 23 and 24, the tamper indicating device further comprises at least one security marking applied to the first side of the backing (Column 4, lines 56 – 59), wherein the security marking has the same color as the flood coat (Column 7, line 63 to Column 8, line 7). As in claims 4, 11, 15, 19 and 26, the adhesive layer is a pressure sensitive adhesive layer covered with a release liner (Column 5, lines 56 – 58). Wright et al. also disclose a tamper indicating device used in combination with an object having secured information (Column 9, lines 7 – 18) comprising a backing having a first side and a second side (Column 3, lines 15 – 16), wherein the backing comprises a first phase and a second phase (Column 3, lines 17 – 19), wherein the backing is light transmissive, and when a peeling force is applied to the backing, the backing fractures (Column 3, lines 32 – 38) and become more opaque (Column 2, lines 27 – 31); an adhesive layer applied to the second side of the backing (Column 5, lines 56 – 58), wherein the adhesive is colored and bonded to the application surface of the object (Column 9, lines 37 – 42) and a mask applied to the tamper indicating device (Column 4, line 66 to Column 5, line 17), the mask being in partial or whole registration with the window in the flood coat (Figure 1, #40).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

*[Signature]*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

12/23/05